

# **EXHIBIT “F”**

**McHALE & SLAVIN, P.A.**

ATTORNEYS AT LAW

U.S. & INTERNATIONAL PATENTS, TRADEMARKS, COPYRIGHTS,  
RELATED LICENSING & LITIGATION

2855 PGA BOULEVARD  
PALM BEACH GARDENS • FLORIDA • 33410-2910  
TELEPHONE (561) 625-6575 FAX (561) 625-6572  
palmbeach@mchaleslavin.com

Via certified U.S. Mail  
Return receipt requested

January 10, 2013

Attn: Mr. Warren Eisenberg - Co-Chairman  
**Bed Bath and Beyond**  
650 Liberty Avenue  
Union, NJ 07083

Re: XHOSE®  
NOTICE – U.S. Patent Nos. 8,291,941 & 8,291,942

Dear Mr. Eisenberg:

This firm represents Blue Gentian, LLC (“Blue Gentian”) regarding intellectual property matters, including patent enforcement. Blue Gentian is proud to announce it is the owner of two recently issued United States patents directed to its XHOSE® expandable hose product, namely U.S. Patent No. 8,291,941, entitled “Expandable and Contractible Hose” and U.S. Patent No. 8,291,942, entitled “Expandable Hose Assembly”.

This letter constitutes notice of the patents pursuant to 35 U.S.C. §271(a) & (b) which provide: **“(a) Except as otherwise provided in this title, whoever without authority makes, uses, offers to sell, or sells any patented invention, within the United States or imports into the United States any patented invention during the term of the patent therefor, infringes the patents, and (b) whoever actively induces infringement of a patent shall be liable as an infringer.**

Blue Gentian has recently filed lawsuits to protect its patent rights and to stop infringers. These include infringement actions against TriStar Products regarding its Flex-Able Hose product, and against Telebrands regarding its Pocket Hose product. Blue Gentian is actively pursuing a permanent injunction and monetary damages, including lost profits, based on the manufacture, use, importation, promotion and sale of the infringing TriStar Flex-Able Hose and Telebrands Pocket Hose products, as well as their active inducement of patent infringement.

The XHOSE® is the original, expandable and contractible garden hose product. It is a revolutionary new garden hose created after significant research, development and experimentation. The XHOSE® is carefully manufactured to reliable standards and is a truly high quality product that consumers will enjoy for years.

Mr. Warren Eisenberg - Co-Chairman  
**Bed Bath and Beyond**  
January 10, 2013  
Page 2 of 2

In the United States, the XHOSE® is distributed by DAP Products Inc. only, and knock-off products should not be accepted. Blue Gentian places great value on its intellectual property rights and is committed to pursuing legal action against any and all infringers in order to protect its XHOSE® product.



Blue Gentian respectfully requests that you respect its intellectual property rights and purchase expandable and contractible garden hoses only bearing the DAP® name. We ask for confirmation of this request within ten days of your receipt of this letter.

Very Truly Yours,

McHale & Slavin, P.A.

Michael A. Slavin

enclosures

cc: Allan N. Rauch, VP & General Counsel

cc: John William, Buyer

**MCHALE & SLAVIN, P.A.**

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January 8, 2013

Attn: Mr. John T. Standley, President  
Rite Aid Corporation  
30 Hunter Lane  
Camp Hill, PA 17011

Re: XHOSE®  
NOTICE – U.S. Patent Nos. 8,291,941 & 8,291,942

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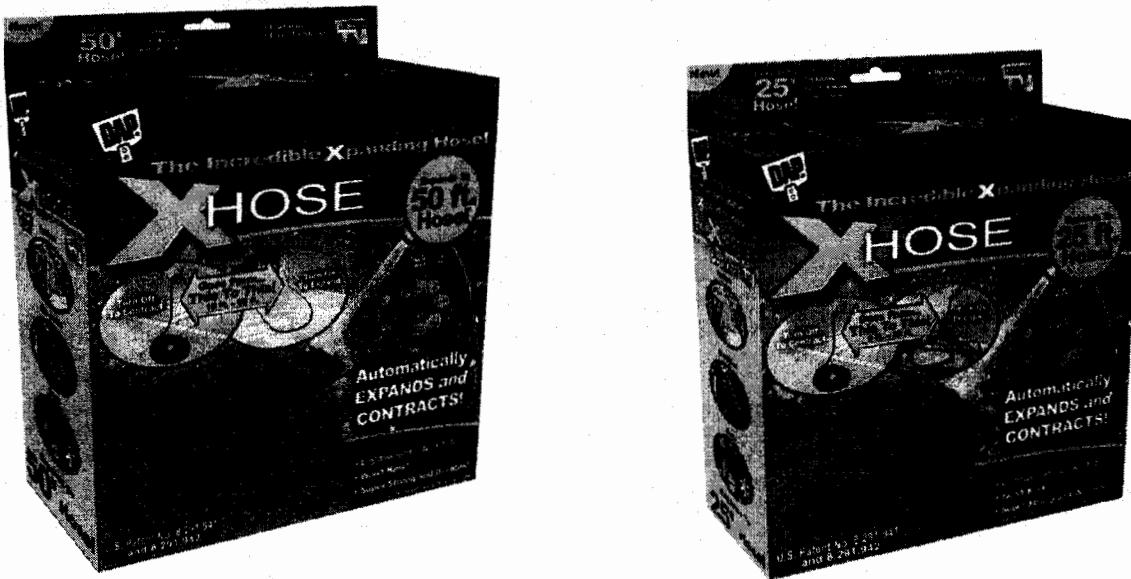
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Rite Aid Corporation  
January 8, 2013  
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Michael A. Slavin

enclosures

cc: Marc A. Strassler, EVP & General Counsel

cc: Derrick Shaffer, Buyer

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Return receipt requested

January 8, 2013

Attn: Mr. Gregory D Wasson, President  
Walgreens Corporation  
200 Wilmot Drive  
Deerfield . Illinois 60015

Re: XHOSE®  
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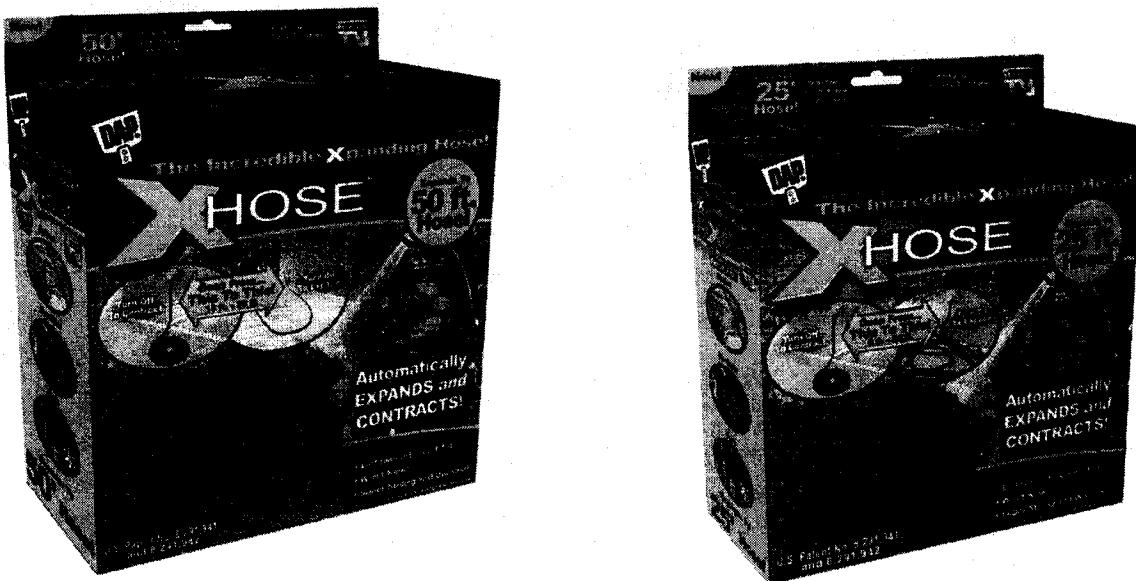
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Walgreens Corp.  
January 8, 2013  
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Michael A. Slavin

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cc: Thomas Sabatino, Jr., General Council, Corporate Secretary

cc: Scott Framke, Buyer

cc: Anthony Martini, Category Mgr

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Via Certified U.S. Mail  
Return Receipt Requested

July 9, 2013

Attn: Richard P. McGuire, Counsel  
**Bed Bath and Beyond**  
650 Liberty Avenue  
Union, NJ 07083

Re: INFRINGEMENT NOTICE  
XHOSE® – U.S. Patent Nos. 8,291,941, 8,291,942, & 8,479,776

Dear Mr. McGuire:

This firm represents Blue Gentian, LLC and National Express, Inc. regarding U.S. patent enforcement, protecting an Expandable Hose marketed under the trademark XHOSE®. As you have been made aware through previous correspondence, the U.S. Patent and Trademark Office issued Patent Nos. 8,291,941 (the '941 Patent - attached) and 8,291,942 (the '942 Patent - attached) for the XHOSE® Expandable Hose Assembly. This letter is to advise that the U.S. Patent Office has further issued U.S. Patent No. 8,479,776 (the '776 Patent) directed to the Expandable Garden Hose (a copy of which is attached). Patents directed to the XHOSE® have also issued in Australia, Canada and China, and are pending in Eurasia, Europe, Japan, Korea, Mexico, New Zealand, Philippines, Russia, South Africa, Taiwan, Thailand, United Kingdom and Ukraine, with other PCT countries yet to be entered.

The sale of expandable hoses that fall within the claims of these patents is patent infringement. As you are aware, a patent owner must provide actual notice to infringers to recover damages, under the requirements of 35 U.S.C. § 287. Continued infringement following such notice permits a court to increase damages threefold under 35 U.S.C. § 284. This letter constitutes renewed notice of the '941 and '942 Patents, and current notice of the '776 Patent, with respect to your company's sale of the "POCKET HOSE" distributed by Telebrands Corporation.

This firm is presently enforcing the XHOSE® patents against Telebrands. Telebrands has claimed that the '941 and '942 Patents are invalid in light of an aviation reference entitled "Self-Elongating Oxygen Hose for a Stowable Aviation Crew Oxygen Mask" (U.S. Patent No. 6,523,539 issued to McDonald, et. al. - attached). It is remarkable, however, that Telebrands knew of the aviation reference before the '941 and '942 Patents issued, yet chose not to bring the reference to the attention of the Patent Office or Blue Gentian, LLC's counsel, in order to have it immediately addressed. Rather than allow the Patent Office to resolve patentability, Telebrands elected to file suit for patent invalidity, in an overburdened federal court, at midnight on the date

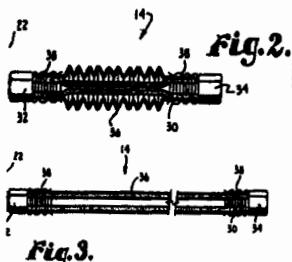
Mr. Richard P. McGuire, Counsel

**Bed Bath and Beyond**

July 9, 2013

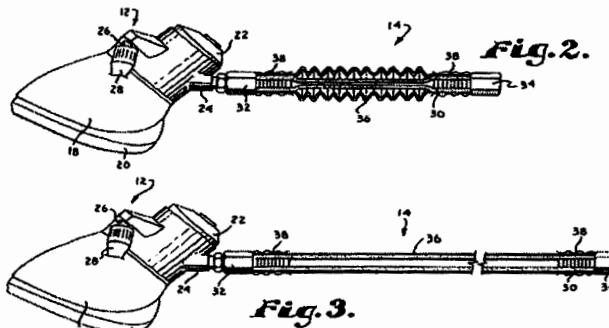
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(the prior art '539 patent)

Telebrands Cropped Figures



Actual Figures

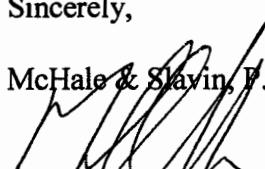
Blue Gentian has provided the McDonald aviation reference to the Patent Office which, despite Telebrands contentions, has granted the '776 Patent. Bed Bath and Beyond, and its related companies, continued sale of an infringing product, with no cognizable defense, constitutes willful infringement and indicates its willingness to participate in patent infringement. A patentee is allowed to request that the acts of a willful infringer be rectified through the payment of enhanced damages, regardless of an infringer's indemnification arrangements with its supplier.

We demand that you immediately cease further sales of any infringing products and provide us with sales information from October 23, 2012 to-date for the POCKET HOSE in terms of both unit and dollar volume. Blue Gentian and NEI will forego damages from these past sales if you provide this information, and agree to purchase only licensed XHOSE® Expandable Hose products, through a favorable response received within fourteen days of your receipt of this letter.

Please govern yourself accordingly.

Sincerely,

McHale & Slavin, P.A.

  
Michael A. Slavin  
Enclosures

ATTORNEYS AT LAW

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RELATED LICENSING & LITIGATION

2655 PGA BOULEVARD  
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TELEPHONE (561) 625-6575 FACSIMILE (561) 625-6572  
palmbeach@mchaleslavin.com

Via Certified U.S. Mail  
Return Receipt Requested

July 9, 2013

Attn: Mr. John T. Standley  
**Rite Aid Corporation**  
30 Hunter Lane  
Camp Hill, PA 17011

Re: INFRINGEMENT NOTICE  
XHOSE® – U.S. Patent Nos. 8,291,941, 8,291,942, & 8,479,776

Dear Mr. Standley:

This firm represents Blue Gentian, LLC and National Express, Inc. regarding U.S. patent enforcement, protecting an Expandable Hose marketed under the trademark XHOSE®. As you have been made aware through previous correspondence, the U.S. Patent and Trademark Office issued Patent Nos. 8,291,941 (the '941 Patent - attached) and 8,291,942 (the '942 Patent - attached) for the XHOSE® Expandable Hose Assembly. This letter is to advise that the U.S. Patent Office has further issued U.S. Patent No. 8,479,776 (the '776 Patent) directed to the Expandable Garden Hose (a copy of which is attached). Patents directed to the XHOSE® have also issued in Australia, Canada and China, and are pending in Eurasia, Europe, Japan, Korea, Mexico, New Zealand, Philippines, Russia, South Africa, Taiwan, Thailand, United Kingdom and Ukraine, with other PCT countries yet to be entered.

The sale of expandable hoses that fall within the claims of these patents is patent infringement. As you are aware, a patent owner must provide actual notice to infringers to recover damages, under the requirements of 35 U.S.C. § 287. Continued infringement following such notice permits a court to increase damages threefold under 35 U.S.C. § 284. This letter constitutes renewed notice of the '941 and '942 Patents, and current notice of the '776 Patent, with respect to your company's sale of the "POCKET HOSE" distributed by Telebrands Corporation.

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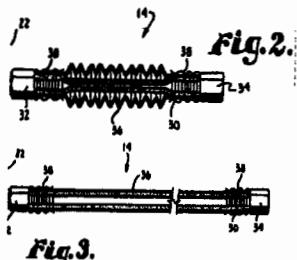
Mr. John T. Standley, Chairman & CEO

**Rite Aid Corporation**

July 9, 2013

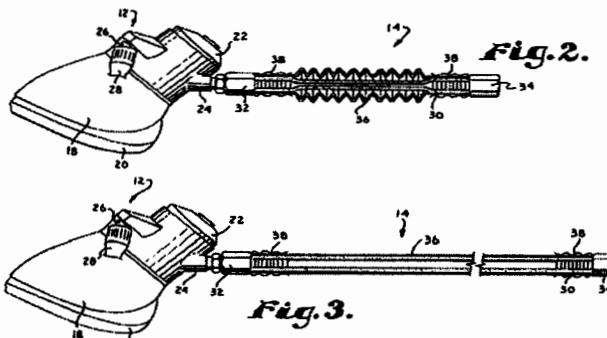
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(the prior art '539 patent)

Telebrands Cropped Figures



Actual Figures

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Michael A. Slavin

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cc: Mr. Marc A. Strassler, EVP & General Counsel

cc: Mr. Derrick Shaffer, Category Manager

**MCRAE & SLAVIN, P.A.**

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July 9, 2013

Attn: Mr. Gregory D. Wasson  
**Walgreens Corporation**  
200 Wilmot Drive  
Deerfield, IL 60015

Re: **INFRINGEMENT NOTICE**  
XHOSE® – U.S. Patent Nos. 8,291,941, 8,291,942, & 8,479,776

Dear Mr. Wasson:

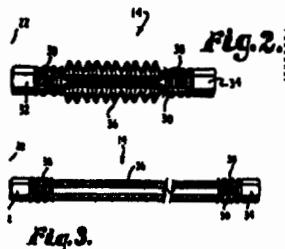
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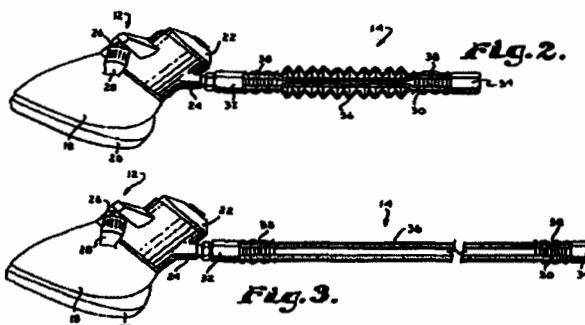
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cc: Mr. Anthony Martine, Category Manager

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July 9, 2013

Attn: Bill Simon  
**Wal-Mart Stores, Inc.**  
702 SW 8<sup>th</sup> Street  
Bentonville, AR 72716

Re: **INFRINGEMENT NOTICE**  
**XHOSE® – U.S. Patent Nos. 8,291,941, 8,291,942, & 8,479,776**

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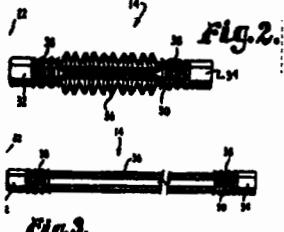
Mr. Bill Simon, President and Chief Executive Officer US

Wal-Mart Stores, Inc.

July 9, 2013

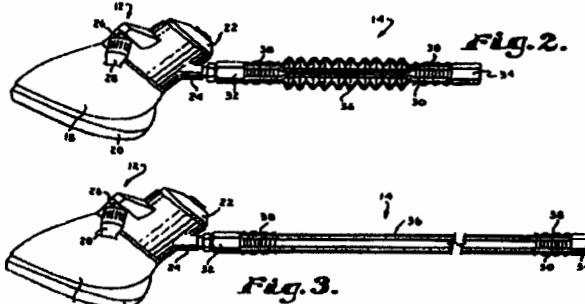
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Sincerely,

McHale & Slavin, P.A.

Handwritten signature of Michael A. Slavin.

Enclosures

cc: Ms. Karen Roberts, EVP and General Counsel

**MCHALE & SLAVIN, P.A.**

ATTORNEYS AT LAW

U.S. & INTERNATIONAL PATENTS, TRADEMARKS, COPYRIGHTS,  
RELATED LICENSING & LITIGATION

2855 PGA BOULEVARD  
PALM BEACH GARDENS • FLORIDA • 33410-2910  
TELEPHONE (561) 625-6575 FACSIMILE (561) 625-6572  
palmbeach@mchaleslavin.com

Via Certified U.S. Mail  
Return Receipt Requested

July 9, 2013

Attn: Mr. Mike Duke  
**Wal-Mart Stores, Inc.**  
702 SW 8<sup>th</sup> Street  
Bentonville, AR 72716

Re: **INFRINGEMENT NOTICE**  
XHOSE® – U.S. Patent Nos. 8,291,941, 8,291,942, & 8,479,776

Dear Mr. Duke:

This firm represents Blue Gentian, LLC and National Express, Inc. regarding U.S. patent enforcement, protecting an Expandable Hose marketed under the trademark XHOSE®. On October 23, 2012 the U.S. Patent and Trademark Office issued Patent Nos. 8,291,941 (the '941 Patent) and 8,291,942 (the '942 Patent) for the XHOSE® Expandable Hose Assembly (copies of the patents are attached). On July 9, 2013 the U.S. Patent Office further issued U.S. Patent No. 8,479,776 (the '776 Patent) directed to the Expandable Garden Hose (a copy of which is also attached). Patents directed to the XHOSE® have also issued in Australia, Canada and China, and are pending in Eurasia, Europe, Japan, Korea, Mexico, New Zealand, Philippines, Russia, South Africa, Taiwan, Thailand, United Kingdom and Ukraine, with other PCT countries yet to be entered.

The sale of expandable hoses that fall within the claims of these patents is patent infringement. A patent owner must provide actual notice to infringers to recover damages, under the requirements of 35 U.S.C. § 287. Continued infringement following such notice permits a court to increase damages threefold under 35 U.S.C. § 284. This letter thus constitutes notice of the '941 and '942 Patents, and the '776 Patent, with respect to your company's sale of the "POCKET HOSE" distributed by Telebrands Corporation.

This firm is presently enforcing the XHOSE® patents against Telebrands. Telebrands has claimed that the '941 and '942 Patents are invalid in light of an aviation reference entitled "Self-Elongating Oxygen Hose for a Stowable Aviation Crew Oxygen Mask" (U.S. Patent No. 6,523,539 issued to McDonald, et. al. - attached). It is remarkable, however, that Telebrands knew of the aviation reference before the '941 and '942 Patents issued, yet chose not to bring the reference to the attention of the Patent Office or Blue Gentian, LLC's counsel, in order to have it immediately addressed. Rather than allow the Patent Office to resolve patentability, Telebrands elected to file suit for patent invalidity, in an overburdened federal court, at midnight on the date

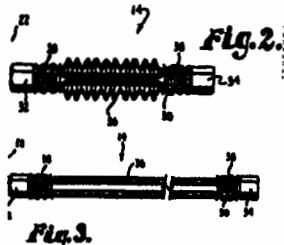
Mr. Mike Duke, President and Chief Executive Officer

Wal-Mart Stores, Inc.

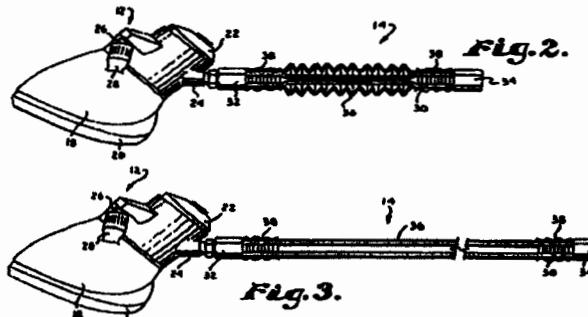
July 9, 2013

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the '941 and '942 Patents issued. As it did in its filing with the court, Telebrands' may have previously communicated with you by comparing figures from the '941 and '942 Patents with cropped, incomplete figures from the McDonald aviation reference. Shown below, however, are the actual Figs. 2 and 3 from the McDonald reference, on the right, next to the cropped Figs. 2 and 3 presented by Telebrands.



Telebrands Cropped Figures



Actual Figures

Blue Gentian has provided the McDonald aviation reference to the Patent Office which, despite Telebrands contentions, has granted the '776 Patent. Wal-Mart Stores, Inc., and its related companies, continued sale of an infringing product, with no cognizable defense, constitutes willful infringement and indicates its willingness to participate in patent infringement. A patentee is allowed to request that the acts of a willful infringer be rectified through the payment of enhanced damages, regardless of an infringer's indemnification arrangements with its supplier.

We demand that you immediately cease further sales of any infringing products and provide us with current sales information for the POCKET HOSE in terms of both unit and dollar volume, and related dates. Blue Gentian and NEI will forego past damages if you provide this information, and agree to purchase only licensed XHOSE® Expandable Hose products, through a favorable response received within fourteen days of your receipt of this letter.

Please govern yourself accordingly.

Sincerely,

McHale & Slavin, P.A.

Michael A. Slavin

Enclosures

cc: Ms. Karen Roberts, EVP and General Counsel, Wal-Mart Stores, Inc.